

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JOSEPH MARK DAIGLE	§	
VS.	§	CIVIL ACTION NO. 9:20cv123
CHRISTINA NORRIS, ET AL.	§	

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Joseph Mark Daigle, an inmate confined within the Texas Department of Criminal Justice, proceeding *pro se*, filed the above-styled civil rights action pursuant to 42 U.S.C. § 1983. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this case be dismissed for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of the objections.

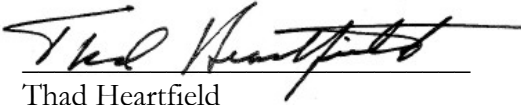
Plaintiff alleges the defendants have failed to process his administrative grievances. However, the Magistrate Judge correctly concluded plaintiff did not have a constitutionally protected liberty interest in having his grievances correctly processed. *Geiger v. Jowers*, 404 F.3d 373, 374-75 (5th Cir. 2005); *Mahogany v. Miller*, 252 F. App'x 593, 595 (5th Cir. 2007). Based upon the statutory requirement that prison inmates exhaust administrative remedies before filing a lawsuit in federal court, plaintiff asserts the actions of the defendants have denied him access to the courts. Interference with the right of access to courts is actionable only where the inmate demonstrates "actual injury stemming from [a defendant's] unconstitutional conduct." *Chirceol v. Phillips*, 169 F.3d 313, 317 (5th Cir. 1999). Plaintiff has not identified any lawsuit he was unable to file because his grievances were not processed. His allegations regarding being denied access to

the courts therefore fail to state a claim upon which relief may be granted.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. A final judgment shall be entered in accordance with the recommendation of the Magistrate Judge.

SIGNED this the **2** day of **August, 2021**.


Thad Heartfield
United States District Judge